

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage Field Office  
4700 BLM Road  
Anchorage, Alaska 99507  
Phone: (907) 267-1246  
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**DECISION RECORD**

Jeff Tart  
AA-93078  
DOI-BLM-AK-A010-2011-0046-CX

**Decision:**

It is my decision to authorize a Special Recreation Permit to Jeff Tart. Mitigation measures, stipulations and conditions are attached.

**Proposed Action:**

The proposed action involves commercial guide-outfitting activities on BLM lands.

**Rationale for the Decision:**

The proposed action is in conformance with management objectives for the Bay Resource Management Plan, approved November 2008; 43 CFR 2930; and Category Exclusion H (1).

**ANILCA Section 810 Compliance:**

The proposed action will not significantly restrict federal subsistence uses, decrease the abundance of federal subsistence resources, alter the distribution of federal subsistence resources, or limit qualified federal subsistence user access.

**Adverse Energy Impact Compliance:**

This action has been analyzed as required by Washington Office Instruction Memorandum No. 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

**Consultation and Coordination:**

A 906(k) Concurrence letter was received from the State regarding use of State selected lands for this activity. Adequate measures to protect public lands through stipulations and required operating procedures are in place. Internal scoping was conducted by the Anchorage Field Office staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

**Compliance and Monitoring Plan:**

Compliance and monitoring of this authorization will be conducted by the BLM Anchorage Field Office. Inspections and annual performance evaluations shall be documented and saved within the case file for this permit.



Matthew S. Varner  
Field Manager, Acting

10/3/11  
Date



**Bureau of Land Management**  
Anchorage Field Office  
4700 BLM Road  
Anchorage, AK 99507  
<http://www.anchorage.ak.blm.gov>

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**Categorical Exclusion  
Special Recreation Permit**

**Applicant: Jeff Tart – Wilderness Forge Adventures**  
**Case File Number: AA-093078**  
**DOI-BLM-AK-A010-2011-0046-CX**



**Location:**

T. 013 S., R. 041 W., Sections 1-18, Seward Meridian  
T. 014 S., R. 041 W., Sections 7-35, Seward Meridian  
Alagnak River area, Alaska

**Prepared by:**

Anchorage Field Office  
August 2011

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage Field Office

**CATEGORICAL EXCLUSION (CX) FORM**

**CX No.:** DOI-BLM-AK-A010-11-CX-0046

**Case File No.:** AA-093078

**Proposed Action Title/Types:** Short-term commercial recreation guide-outfitting.

**Location of Proposed Action:** BLM lands within Guide Use Areas (GUA) 09-05 and 09-06, including State selections but excluding Native selected lands (see Jeff Tart operating area map).

**Introduction and Background:**

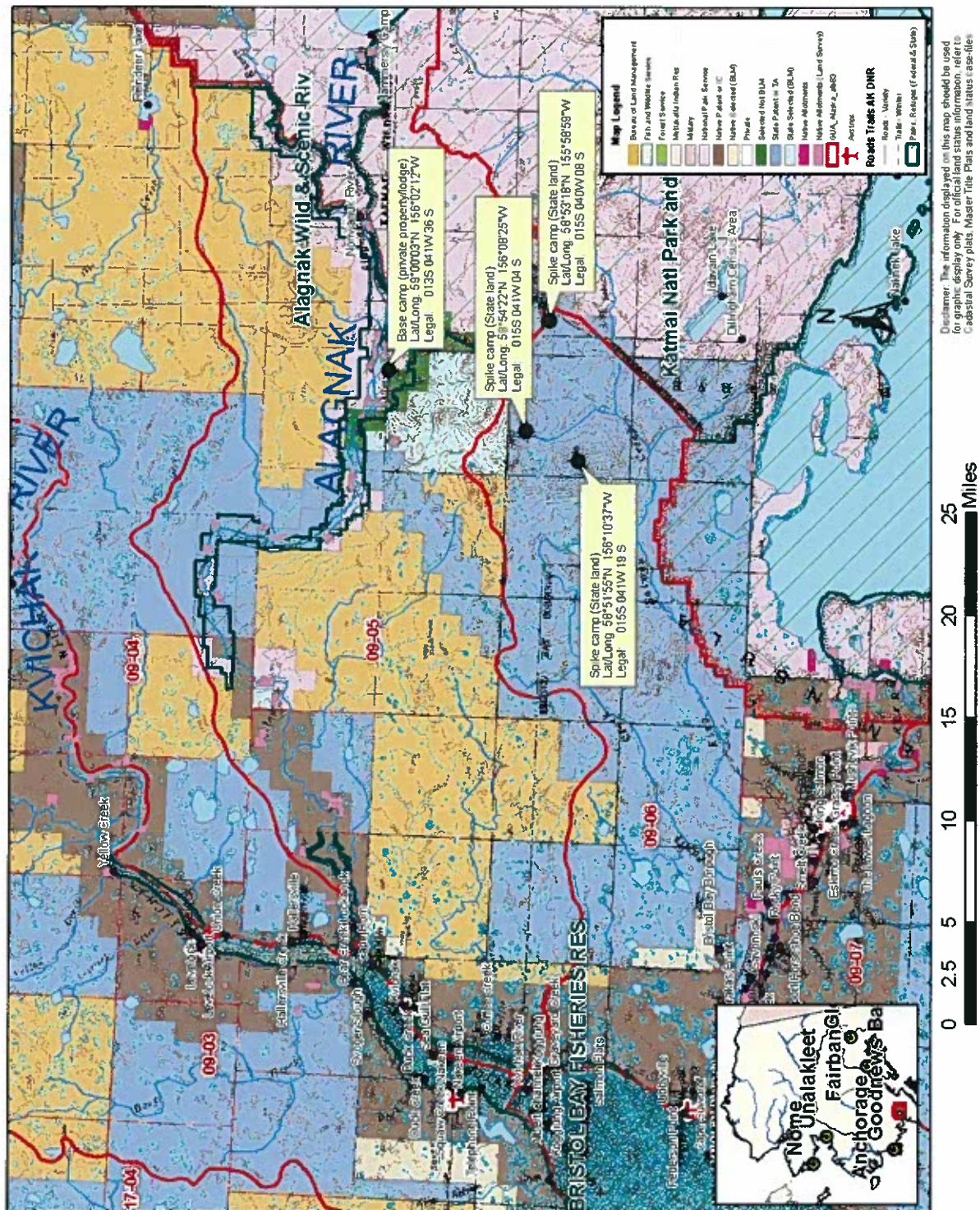
The proposed use area involves BLM unencumbered lands and State selected lands. Use areas do not include any BLM Special Management Area (SMA). The base camp will be located at a lodge located on private land and spike camps will be on State owned lands. Registered guide-outfitter Jeff Tart is requesting use of neighboring BLM land and waters to conduct guided big game hunts at various locations within the GUAs identified above, during the fall hunting season (September 25 through October 31). Access and travel for day use only on BLM lands shall be by foot, with no aircraft or off-highway vehicle use occurring on BLM. There will be no storage of fuel or long-term/over-winter storage of gear or equipment. All trash will be packed out. Any human waste would be managed at least 100 feet from any visible water source and at least four feet above any subsurface water table.

**Purpose and Need for the Proposed Action:**

The purpose of the action is to respond to a Special Recreation Permit (SRP) Application and consider whether to authorize commercial guide-outfitting activities on BLM lands. If authorized, activities would be in accordance with 43 CFR 2930 and be consistent with appropriate terms and conditions and BLM shall respond to any concerns raised during State consultation. Another purpose of the action is to ensure that the authorization would be in compliance with bureau and district office policies and standards, while allowing professional commercial recreation providers to help Alaska residents and visitors to enjoy public lands.



### Jeff Tart operating area - 2011



## **PART I - PLAN CONFORMANCE REVIEW**

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This Proposed Action is subject to the following land use plan:

The proposed action is within the boundaries of the Bay Resource Management Plan, approved November 2008. The proposed activity has been reviewed for conformance with this plan, which includes the following related recreation objectives: Recreation Management Action L-2 recommends; Opportunities for commercial recreation will be provided consistent with area objectives for recreation management, and SRPs may be issued until the affected area's desired use level is reached. Each SRP application is analyzed for impacts to subsistence in accordance with ANILCA 810 through application-specific NEPA processes.

The Proposed Actions have been reviewed for conformance with this plan per (43 CFR 1610.5-3(b)).

## **PART II - NEPA REVIEW**

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A. Categorical Exclusion Review.

The Proposed Actions qualify as categorical exclusions pursuant to 516 DM 11.9, Appendix 4, Part H, 1:

“Issuance of Special Recreation Permits for day or overnight use up to 14 consecutive nights; that impacts no more than 3 (cumulative) staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5).”

B. Departmental List of Extraordinary Circumstances Review.

The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents **MUST BE PREPARED** for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.)

	YES	NO
1. Have significant adverse impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>



- |     |   |       |            |
|-----|---|-------|------------|
| 3.  | Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].  | _____ | X<br>_____ |
| 4.  | Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.   | _____ | X<br>_____ |
| 5.  | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.   | _____ | X<br>_____ |
| 6.  | Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.   | _____ | X<br>_____ |
| 7.  | Have significant impacts on properties listed, or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.  | _____ | X<br>_____ |
| 8.  | Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.  | _____ | X<br>_____ |
| 9.  | Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.   | _____ | X<br>_____ |
| 10. | Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).  | _____ | X<br>_____ |
| 11. | Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).   | _____ | X<br>_____ |
| 12. | Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). | _____ | X<br>_____ |

I certify that none of the Departmental Extraordinary Circumstances listed in the above Part B (516 DM 2, Appendix 2) apply to this action.

Preparer: Jeff Kowalczyk

Date: 8/31/11

### **PART III - DECISION**

The proposed action is in conformance with an approved resource management plan, 43 C.F.R. § 1610.8(a)(3) (2007). The Department of the Interior has determined and found that the proposed action is within categories of actions that do not individually or cumulatively have a significant effect on the human environment and that neither an environmental assessment nor an environmental impact statement is required, 40 C.F.R. § 1508.4 (2007).

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

Mitigation Measures/Other Remarks: In addition to conditions and stipulations attached to the permit, compliance inspections and annual Performance Evaluations shall be conducted and documented within the permittee's file.

It is therefore my decision to implement the action, as described, with appropriate mitigation measures or stipulations.

Authorized Official: 

Date: 10/7/11



**CONDITIONS AND STIPULATIONS**  
**For**  
**SPECIAL RECREATION PERMIT #AA-093078**  
**Jeff Tart, Registered Guide-Outfitter**

In addition to the terms included on the back of your Special Recreation Application and Permit (SRP) (Form 2930-1), the following conditions and stipulations is a part of this permit and are applicable to BLM-administered lands and water, including State selected areas. Failure to comply with any of these conditions or stipulations knowingly or willfully is a violation of 43 CFR 2932.57, punishable by up to a \$100,000 fine and/or a year in jail.

**Use Limitations**

1. Persons authorized to conduct business with BLM concerning this permit includes: Charles Summerville, Cole Hawkins, and Russell Owens.
2. This permit authorizes day use or overnight use up to 14 consecutive nights and use of no more than three cumulative staging area (base and spike camps) acres on BLM administered lands.
3. Long-term or over-winter storage of equipment or gear is not permitted without BLM authorization.
4. This permit does not authorize construction of new aircraft landing areas, because actual construction of new landing areas by extensive clearing would require conformance with Federal Aviation Administration guidelines and a long-term authorization. Minor improvements, such as moving rocks or logs, to allow an area to be used for aircraft landing must be conducted under the limitations of 43 CFR 8365.1-5 to limit impacts to vegetation and soils. These limitations state no person shall: Willfully deface, remove or destroy any personal property, or structure, or any scientific, cultural, archaeological or historic resource, natural object or area; willfully deface, remove or destroy plants or their parts, soil, rocks or minerals or cave resources. This permit does not authorize exclusive use of landing areas.
5. Only the use of dead trees for campfires is permitted. This permit does not authorize the cutting of live trees. Permittee shall make their employees and clients aware of responsible low-impact practices and techniques, as outlined in the enclosed Alaska Wildlands Leave No Trace Skills and Ethics booklet.
6. Within 14 days from the completion of the last permitted event, all trash shall be hauled out by the permittee and disposed of in a proper landfill, dumpster, or trashcan. Cans, glass, plastics, batteries and other non-combustible/non-degradable materials shall not be burned. Do not bury refuse. Gray water and human waste shall be disposed of at least 100 feet beyond the ordinary high water mark of any water body. Bury all gray water and human waste. When possible, we encourage the use of portable toilet systems along rivers (e.g. porta-potties).

## **Fuel and Waste Management**

7. This permit does not authorize the use or storage of fuel on BLM lands. Waste water, non-hazardous solid waste, hazardous substance storage containers, and spills shall be managed in accordance with Title 18 Alaska Administration Code (see Attachments 1 and 2).
8. To avoid conflicts with bears, sealed bear proof containers are suggested for food and unburned waste until such waste can be removed from all camps. Meat and animal parts shall be removed from all camps as soon as possible to avoid attracting bears.

## **Federal, State, Local Laws and Regulations**

9. Copies of Alaska Master or Registered Guide/Outfitter license(s) for people authorized to conduct business with BLM concerning the permit shall be submitted to the BLM before authorization or re-authorization is approved for every year the permit is in effect. If applicable, Assistant Guide/Outfitter license(s) are also required.

## **Miscellaneous**

10. A performance evaluation shall be completed by the BLM for all permittees. The purpose of a performance evaluation is to evaluate a permittee's performance and compliance with the terms and stipulations of the permit. The permittee will be given written notice of results of annual performance evaluations after the conclusion of the permittee's operating season, which will include the level of performance and the status of corrections that may be required to retain the permit.

## **General Terms**

11. The permittee shall comply with all Federal, state, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the SRP. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, state, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
12. An SRP authorizes special uses of BLM-managed public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The Authorized Officer (AO) may suspend an SRP, if necessary to protect public resources, health, safety, or the environment, or as a result of noncompliance with permits stipulations.
13. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.

14. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.
15. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, the AO may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit. This permit may not be reassigned or transferred by the permittee.
16. All advertising and representations made to the public and the AO must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used without written permission by the BLM. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax.
17. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, (e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards) that present risks for which the permittee assumes responsibility.
18. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
19. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
20. The permit, or copies thereof, shall be kept with the authorized individual(s) and presented to any BLM representative upon request as proof of authorization.
21. The AO, or a duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
22. The permittee must submit a completed post-use report, along with appropriate fees by January 1 of every year the permit is in effect. If the post-use report and fees are not received by the established deadline, the permit will be suspended and/or fines assessed.

23. The permittee shall notify the AO of any accident that occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports shall be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.

## ATTACHMENT 1

### **Pollution Prevention and Reporting Stipulations for management of Wastewater, Solid Waste, and Spill Prevention and Response**

Wastewater must be managed in accordance with Title 18 Alaska Administrative Code, Chapter 72, (18 AAC 72) Wastewater Disposal. Wastewater is defined as Human Waste (sewage), and Gray Water (water which has been used for personal hygiene, washing clothing, tools, equipment, or sanitizing cooking and eating materials). If the standards for Pit Privies (Outhouse) found at 18 AAC 72.030 (extract at Attachment 2) cannot be met, all wastewater must be collected (in a portable toilet for example) and transported to a state approved disposal facility. Upon closure of a site the Pit Privy(s) must be limed and completely back-filled with the surface area covered and re-graded to approximate original appearance. Pit Privies must be authorized by the BLM in advance and identified within their submitted Operating Plan.

Non-Hazardous Solid Waste (trash/refuse) may be burned in pits. All unburned/unburnable trash/refuse will be back hauled from the area and disposed in an approved waste disposal site. All fire pits must be removed or destroyed after use. Trash/refuse will not be disposed of in a Pit Privy. Food waste and human waste should be disposed of daily to reduce conflicts with wildlife which may be attracted.

Hazardous Waste will be back hauled from the area and properly disposed by the generator at the end of each year a permit is in effect. Hazardous wastes are defined by the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Hazardous wastes include, but are not limited to; fuel, oils and grease, compressed gas cylinders (propane, butane, aerosol cans, etc.), batteries, insect repellants/pesticides, ammunition, and residues of spills of any of the above.

Fuel, oil, or hazardous substance storage containers will be stored a minimum of 150 feet away from the ordinary high water mark of any water body. Containers with a total combined capacity of 110 gallons must be stored within an impermeable diked area or portable impermeable structure capable of containing 110 percent capacity of the largest independent container. Accumulated rain/snow melt water must be properly removed periodically to ensure the containment structure's capacity remains adequate at all times. All containers must be clearly marked with the contents and owner's name.

Spills/releases to the environment of fuel, oil, or hazardous substances will be responded to and cleaned-up immediately. Adequate spill response/cleanup materials such as absorbent pads, shovels, and heavy gauge plastic bags or containers will be available and on-hand at each location where fuels/oil are stored or used. Persons who are expected to respond to spills of oil or hazardous substances must be properly trained in accordance with the standards prescribed in Code of Federal Regulations 29, Part 1910.120(q). No dumping of fuel in pits on public land is authorized or tolerated. Spills of fuel/oil or any hazardous substance will be reported to the BLM, and the Alaska Department of Environmental Conservation as required by Title 18 Alaska Administrative Code, Chapter 75; Oil & Hazardous Substances Pollution Control. Specific direction on reportable quantities and time allowances is found at 18 AAC 75.300, Discharge Release Notification; Release Reporting (extract at Attachment 2).



**ATTACHMENT 2****TITLE 18 ALASKA ADMINISTRATIVE CODE  
CHAPTER 72 – WASTEWATER DISPOSAL (EXTRACT)**

18 AAC 72.030. PIT PRIVIES. Pit privies must meet the separation distance requirements in 18 AAC 72.020. A person may not dispose of gray water in a pit privy. (Eff.4/1/99, Register 149)

**18 AAC 72.020. SEPARATION DISTANCES**

(b) The minimum separation distance between the mean annual high water level of a lake, river, stream, spring, or slough, or the mean higher high water level of coastal waters, and a lift station, holding tank, septic tank, soil absorption system, seepage pit, pit privy, or other wastewater collection, treatment, or disposal system is 100 feet, measured horizontally.

(i) A person may not install a pit privy in an area subject to flooding. The vertical separation between the lowest point of a pit privy and the water table, measured during the season of the year with maximum water table elevation, must be at least four feet.

**TITLE 18 ALASKA ADMINISTRATIVE CODE  
CHAPTER 75 – OIL & HAZARDOUS SUBSTANCES POLLUTION CONTROL  
(EXTRACT)****18 AAC 75.300. DISCHARGE OR RELEASE NOTIFICATION; REPORTING  
REQUIREMENTS.**

(a) Subject to (b) of this section, a person in charge of a facility or operation shall notify the department by telephone, and immediately afterwards send the department a written notice by facsimile, hand delivery, or first class mail, informing the department about a discharge or release of a hazardous substance at or from the facility or operation as follows:

(1) as soon as the person has knowledge of a

(A) discharge or release of a hazardous substance other than oil;

(B) discharge or release of oil to water; or

(C) discharge or release, including a cumulative discharge or release, of oil in excess of 55 gallons solely to land outside an impermeable secondary containment area or structure; and

(2) within 48 hours after the person has knowledge of a discharge or release, including a cumulative discharge, of oil solely to land

(A) in excess of 10 gallons, but 55 gallons or less; or

(B) in excess of 55 gallons, if the discharge or release is the result of the escape or release of oil from its original storage tank, pipeline, or other immediate container into an impermeable secondary containment area or structure.

(b) A person in charge of a facility or operation shall maintain, and provide to the department monthly, a written record of each discharge or release, including a cumulative discharge or release, of one gallon to 10 gallons of oil solely to land.

(c) If a person in charge of a facility or operation has entered into an agreement with the department, as provided under AS 46.03.755(b) or AS 46.09.010(b), for the periodic reporting of a discharge or release of a hazardous substance, the terms of the agreement replace the applicable requirements of this section for the hazardous substance.

(d) After receiving notice of a discharge or release under (a) of this section, and until containment and cleanup are completed, the department will require interim reports as the department considers necessary to ascertain any threat to human health, safety, or welfare, or to the environment.

(e) Unless the department determines that a written report is not needed for the department to ascertain any threat to human health, safety, or welfare, or to the environment, a written report must be submitted to the department within 15 days after containment and cleanup are completed or, if no cleanup occurs, within 15 days after the discharge or release. The report must be submitted to the department's Anchorage, Fairbanks, or Juneau office, whichever is nearest to the location of the discharge, unless the department specifies otherwise. The report must contain the information specified in (f) of this section.

(f) A report, record, or notification required by this section must contain, as applicable,

(1) the date and time of the discharge or release;

(2) the location of the discharge or release;

(3) the name of the facility or operation;

(4) the name, mailing address, and telephone number of

(A) each responsible person; and

(B) the owner and the operator of the facility or operation;

(5) the type and amount of each hazardous substance discharged or released;

(6) factors that caused or contributed to the discharge or release;

- (7) a description of any environmental effects of the discharge or release, or the containment and cleanup, to the extent those effects can be identified;
- (8) a description of the containment or cleanup action taken;
- (9) the estimated amount of
  - (A) hazardous substance cleaned up; and
  - (B) hazardous waste generated;
- (10) the date and method of disposal or treatment of the hazardous substance, contaminated equipment, contaminated materials, contaminated soil, and contaminated water;
- (11) a description of actions being taken to prevent another discharge or release; and
- (12) other information that the department requires to fully assess the cause and impact of the discharge or release, including any sampling reports and a description and estimate of any remaining contamination.

**Note: Spills required to be reported to the State of Alaska must also be reported to BLM.**